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MAILED

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OFFICE OF PETITIONS

In re Application of :  
Jimmy Lee Long :  
Application Number: 10/612481 : DECISION ON PETITION  
Filing Date: 07/01/2003 :  
Attorney Docket Number: ITW- :  
14146 :

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed on December 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on February 11, 2008, for failure to timely submit an appeal brief in response to the Notice of Appeal and three (3)-month extension of time filed on

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<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

December 10, 2007 (certificate of mailing date December 5, 2007).<sup>2</sup> Notice of Abandonment was mailed on May 28, 2008.

Applicant has filed an amendment after final rejection. As the examiner has determined the amendment places the application in condition for allowance, the response may be favorably considered.

The application is referred to Technology Center Art Unit 3721 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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<sup>2</sup> The Notice of Appeal was originally submitted on October 19, 2007, but without the proper amount due for the Notice of Appeal Fee. The Notice of Appeal fee and a three (3) month extension of the time to reply to the final Office action mailed on June 7, 2007, was filed on December 10, 2007, with a certificate of mailing dated December 5, 2007.